

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

VICTORIA C. REDDICK

PLAINTIFF

VS.

CIVIL ACTION NO. 3:17-cv-00530-DPJ-FKB

**SAINT DOMINIC HOSPITAL,
And JOHN DOES 1-10**

DEFENDANTS

**DEFENDANT ST. DOMINIC-JACKSON MEMORIAL HOSPITAL'S
PARTIAL MOTION TO DISMISS**

Defendant St. Dominic-Jackson Memorial Hospital (“St. Dominic’s”), incorrectly named in this Complaint as “Saint Dominic Hospital,” files this motion, pursuant to Federal Rule of Civil Procedure 12(b)(6), to partially dismiss the claims of Plaintiff Victoria C. Reddick (“Reddick”), as set forth in her Complaint [Dkt. 1]. In support of its motion, St. Dominic’s states as follows:

1. Plaintiff failed to state a claim against St. Dominic’s upon which relief can be granted concerning her claim for alleged gender discrimination. In her Complaint, Reddick attempts to utilize the *McDonnell Douglas* burden-shifting framework to support her otherwise vague and conclusory allegations of gender-based discrimination by St. Dominic’s. However, Reddick’s allegations—that St. Dominic’s discriminated against her by treating her less favorably than other female co-workers—fails to state a facially valid claim for relief. *Mitchell v. Crescent River Port Pilots Assoc.*, 265 Fed. Appx. 363, 370-371 (5th Cir. 2008).

2. Plaintiff also fails to state a claim against St. Dominic’s upon which relief can be granted concerning her three separate negligence-based claims—i.e., negligence, wanton negligence, and negligent infliction of emotional distress. In Mississippi, claims by an employee

against her employer which are premised on negligence are barred by the exclusivity of the Mississippi Workers' Compensation Act. *See, e.g., Easterling v. AT&T Mobility, LLC*, 824 F. Supp. 2d 729, 732-733 (S.D. Miss. 2011).

3. On this same day, St. Dominic's submits a *Memorandum Brief in Support of Partial Motion to Dismiss* in support of this Motion. St. Dominic's hereby incorporates its brief herein by reference.

ACCORDINGLY, St. Dominic-Jackson Memorial Hospital respectfully requests that the Court enter an order partially dismissing Plaintiff Victoria C. Reddick's Complaint—specifically, Reddick's claims of gender-based discrimination, negligence, wanton negligence and negligent infliction of emotional distress against St. Dominic's with prejudice, with costs assessed against the Plaintiff. St. Dominic's respectfully requests that it be awarded any other relief that this Court deems just and proper.

Dated: April 25, 2018.

By: /s/ Lauren O. Lawhorn
One of Its Attorneys

OF COUNSEL:

Stephen J. Carmody, MSB #8345
Lauren O. Lawhorn, MSB #103896
BRUNINI, GRANTHAM, GROWER & HEWES, PLLC
The Pinnacle Building, Suite 100
190 East Capitol Street
Jackson, MS 39201
Post Office Drawer 119
Jackson, Mississippi 39205
Telephone: (601) 948-3101
Facsimile: (601) 960-6902
scarmody@brunini.com
llawhorn@brunini.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Ottowa E. Carter, Jr., Esq.
OTTOWA E. CARTER, JR. P.A.
Post Office Box 31
Clinton, Mississippi 39060
Telephone: (601) 488-4471
Facsimile: (601) 488-4472
Email: oec@ottowacarterlaw.com

This the 25th day of April, 2018.

By: /s/ Lauren O. Lawhorn
Lauren O. Lawhorn
Attorney for St. Dominic-Jackson Memorial Hospital